

[illegible]

OPINION & ORDER
[Resolving Doc. 19].

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection. [28](#)

Case No. 1:06-cv-01391
Gwin, J.

U.S.C. § 636(b)(1). Parties must file any objections to a Report and Recommendation within ten days of service. Failure to object within that time waives a party's right to appeal the magistrate judge's recommendation. FED. R. CIV. P. 72(a); see Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate's report without review. Thomas, 474 U.S. at 149. Moreover, having conducted its own review of the parties' briefs on the issue, this Court agrees with the conclusions of the Magistrate Judge.

Accordingly, the Court adopts in whole Magistrate Judge Baughman's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus **REVERSES** the Commissioner's decision denying Jewell's application for disability benefits and **REMANDS** the decision for a proper explanation of the weight given to Jewell's treating physician's opinion and Jewell's credibility and reconsideration of the residual functioning capacity finding with the assistance of a medical expert.

IT IS SO ORDERED.

Dated: March 31, 2008

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE